

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

DONALD RAY LOGSDON, JR.,

Petitioner,

v.

Case No. 23-CV-420-JFH-JAR

WARDEN CASSIDY,

Respondent.

OPINION AND ORDER

Plaintiff Donald Ray Logsdon, Jr. (“Logsdon”), a pro se federal prisoner, filed a motion for appointment of counsel in this habeas corpus action pursuant to 28 U.S.C. § 2241. Dkt. No. 5. Logsdon alleges he is an active member of the Choctaw Nation of Oklahoma. He cites 25 U.S.C. § 175 as mandatory authority for appointing United States Attorneys to represent Indians.

In *Scott v. Hormel*, 854 F. App’x. 958 (10th Cir. May 5, 2021), the Tenth Circuit Court of Appeals affirmed the denial of appointed counsel for a prisoner in a § 1983 action, based on § 175:

We reject Scott’s contention that § 175 requires the appointment of counsel any time a member of a federally recognized Indian tribe requests it in any civil suit. The statute provides: “In all States and Territories where there are reservations or allotted Indians the United States attorney shall represent them in all suits at law and in equity.” *Id.* But § 175 “is not mandatory and . . . its purpose is no more than to ensure Native Americans adequate representation in suits to which they might be parties.” *Navajo Nation v. San Juan Cnty.*, 929 F.3d 1270, 1278 (10th Cir. 2019) (internal alterations and quotation marks omitted).

Scott, 854 F. App’x. at 960. The Court finds Logsdon is not entitled to appointed counsel under 25 U.S.C. § 175.

The Court also has carefully reviewed the merits of Logsdon’s claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering Logsdon’s

ability to present his claims and the complexity of the legal issues raised by the claims, the Court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

IT IS THEREFORE ORDERED that Logsdon's motion for appointment of counsel [Dkt. No. 5] is DENIED.

Dated this 28th day of February 2024.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE